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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,590	12/31/2001	Aaron M. Tsirkel	P11678	4021
25694	7590	02/04/2004	EXAMINER	
INTEL CORPORATION P.O. BOX 5326 SANTA CLARA, CA 95056-5326			LIANG, REGINA	
			ART UNIT	PAPER NUMBER
			2674	
DATE MAILED: 02/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,590

Applicant(s)

TSIRKEL ET AL.

Examiner

Regina Liang

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 9, 10, 13-19, 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kochanski (US. PAT. NO. 5,854,661).

As to claims 1, 10, 19, Figs. 1, 2 of Kochanski discloses a computer system, comprising a camera (12), a display screen (20), a brightness of which is to be adjusted in response to measuring ambient light, wherein the ambient light is measured by analyzing one or more images produced by the camera (see col. 3, line 1 to col. 4, line 31 for example).

As to claims 4, 13, 23, 24, Kochanski teaches the ambient light is to be measured in a vicinity of a user.

As to claim 9, Kochanski teaches the camera is to enable a video imaging function.

As to claims 14, 15, Kochanski teaches enabling the brightness of the display screen to be adjusted includes storing instructions in the computer system to adjust the brightness of the display screen or to analyze the image as claimed (e.g., see the abstract).

As to claims 16-18, 22, 25, 26, Kochanski teaches the analysis of the image includes determining a luminance of the image, or determining a user position in the image and enabling the camera to provide a video imaging function (see col. 3, line 1 to col. 4, line 31, and col. 4, lines 51-57).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 5-8, 11, 12, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kochanski in view of Helms (US. PAT. NO. 5,952,992).

As to claims 2, 3, 11, 20, Kochanski does not disclose the brightness of the display screen is to be increased in response to measuring an increase in the ambient light or the brightness of the display screen is to be decreased in response to measuring a decrease in the ambient light. However, Helms teaches a display brightness control system comprising increasing the brightness of the display screen if an increase in the ambient light, or decreasing the brightness of the display screen if the ambient light decreased (col. 1, lines 51-55, col. 2, lines 38-39). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kochanski to have the brightness control as taught by Helms so as to automatically adjust the brightness of the display screen responsive to the amount of ambient light available during operation thereof and to save power.

As to claims 5, 12, Kochanski as modified by Helms does not disclose decreasing the brightness of the display screen if the ambient light increases. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify

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Kochanski as modified by Helms to decrease the brightness of the display screen if the ambient light increased to save power.

As to claims 6 and 7, Helms teaches the brightness control circuitry having a lookup table (col. 3, lines 44-50), which reads on storage device storing measurement code and adjustment code to be executed by the computer system as claimed.

As to claim 8, Kochanski teaches a storage device (memory 14, 16) stores user position information to be executed by the computer system as claimed.

As to claim 21, Kochanski as modified by Helms does not disclose increasing the brightness if the ambient light decreases. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kochanski as modified by Helms to increase the brightness of the display screen if the ambient light decreases to provide visibility.

Response to Arguments

5. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dutta (US. PUB. NO. 2002/0163524) teaches a system and method for automatic adjustment of a display in a data processing system.


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Hurtgen (US. PAT. NO. 6,246,174) teaches a device for controlling the brightness of an instrumentation light of an automobile.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (703) 305-4719. The examiner can normally be reached on Monday-Friday from 9AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


REGINA LIANG
PRIMARY EXAMINER
ART UNIT 2674

RL
1/30/04